

REMARKS

Applicant respectfully requests reconsideration of the allowability of the claims in the instant application.

Amendments

Applicant has cancelled all prior claims and replaced them with new claims 26 through 46. The new claim set consists of twenty claims, three of which are independent claims. Applicant believes that no additional fees are required for any of the new claims. However, should a fee be due, Applicant respectfully requests being given an opportunity to pay any fee that may be due without any adverse effect to the claims of the instant application.

Applicant believes that none of the amendments made to the instant application contains new matter. More specifically, the amendments to the specification correct some formal errors and merely state explicitly what is shown in FIG. 1, i.e., that the filler material may be in the form of a single block in a gabion compartment. The new claims find support in the specification from page 3, line 40 through page 5, line 103, and in the drawings.

Rejections

In the Office Action, the examiner rejected all of the claims then-pending as being either (1) anticipated by Papeti (USPN 4,726,708) or Woodfin (USPN 6,381,792 B1), or (2) unpatentably obvious over Papeti in view of Coburn (USPN 4,643,271). Applicant believes that the cancellation of the then-pending claims makes the rejections moot.

New Claims in View of the Art of Record

Applicant believes that the new claims are patentable over the art of record in the prosecution file of the instant application. Applicant would like to take this opportunity to point out some of the distinctions between the new claims and the art the examiner applied in the Office Action.

(a) Papetti: Independent claim 26 claims a portable roadway having sufficient strength to support construction vehicle traffic. That portable roadway comprises a supporting layer comprising wire mesh gabions having a plurality of compartments, each of which is substantially full of a filler material having a density less than that of water. The portable roadway also comprises a traffic layer which comprises a plurality of panels which are removeably placeable upon the top surface of the support layer that is formed by the plurality of gabions. Independent claim 36 claims a portable platform having substantially the same characteristics. Independent claim 19 claims a method for making a portable roadway and/or platform having substantially the same characteristics.

Applicant respectfully submits that Papetti does not teach either a portable roadway or a portable platform of any kind, let alone one having the characteristics of Applicant's claims. The only reference of any kind in Papetti to the subject of roads is in Papetti's Field of the Invention section at column 1, lines 8-14 wherein it is stated that the invention disclosed therein relates to "mattress-type gabions for use as a covering or other protective structures for preventing soil erosion . . . and for consolidating soil against landslides in the building of river embankments, . . ., road construction and similar works." (Emphasis added). Furthermore, the only filler material disclosed by Papetti is "ballast," e.g., at col. 2, line 10), which is inherently of sufficient density to

permit the gabions to perform their functions of preventing soil erosion and consolidating soil. All of the ordinary meanings of “ballast” connote high density material. *See, e.g.*, Exhibit 1 hereto: Random House Webster’s College Dictionary, p. 106, def. 1 (Random House, New York, 1996) (“a heavy material carried on a vessel to control draft and stability or a balloon to control altitude); *id.*, def. 2 (“gravel of broken stone placed under the ties of a railroad”). Applicant has reviewed Papetti and can find no indication that it has given the term “ballast” any meaning that is inconsistent with a connotation of a high density material. Accordingly, Papetti is devoid of any teachings of filling gabions with a filler material which has a density less than that of water.

Moreover, Papetti has no teachings about a traffic layer of any sort, let alone one which comprises a plurality of panels which are removeably placeable upon the top surface of a support layer that is formed by a plurality of gabions

Thus, Applicant respectfully submits that Papetti does not anticipate nor fairly render obvious any of Applicant’s new claims.

(b) Woodfin: Woodfin teaches the making of a floating modular bridge by inflating fabric envelopes with an injectable expandable foam. *See, e.g.*, Woodfin at column 2, lines 29-64; *id.* at column 4, lines 23-33. The surface upon which traffic travels is the fabric of the envelope. *Id.* at column 3, lines 46-53. Woodfin has no teachings about the use of either wire mesh gabions or of a traffic layer that comprises a plurality of panels which are placeable upon the top surface of a support layer that is formed by a plurality of gabions. Thus, Applicant respectfully submits that Woodfin neither anticipates nor fairly renders obvious any of Applicant’s new claims.

(c) Coburn: Coburn teaches the making of sound barriers along vehicle pathways by filling wire mesh gabions with a combination of a sound absorbing material and a ballast material. Coburn at abstract. The ballast is preferably crushed stone. *Id.* at column 1, lines 59-64. Although the sound absorbing material may be shredded polystyrene foam or shredded vehicle tires, Coburn does not teach using them alone but rather that they may be used in combination with stone that forms the core and base of the gabions to provide stability. *Id.* at column 2, lines 27-68. Coburn states that the gabions are “preferably very heavy to withstand vehicle impacts, to assure their stability, and to reduce the likelihood of vandalism or theft. . . .” *Id.* at column 2, lines 63-68 (emphasis added). Coburn has no teachings of gabion compartments being substantially full of a filler material that has a density less than that of water. Furthermore, Coburn has no teachings about using gabions to make either a portable roadway or a portable platform. Nor does Coburn have any teachings about a traffic layer which comprises a plurality of panels which are removeably placeable upon the top surface of a support layer that is formed by a plurality of gabions.

Thus, Applicant respectfully submits that Coburn neither anticipates nor fairly renders obvious any of Applicant’s new claims.


Miscellaneous

Applicant’s prior attorney made a statement on Applicant’s behalf in the Remarks of the paper filed on November 23, 2005, purportedly identifying the “true nature” of Applicant’s invention. Upon reconsideration, Applicant believes that statement to be unduly narrow. Accordingly, Applicant hereby withdraws that statement.

Conclusion

Applicant respectfully submits that the new set of claims are neither anticipated by nor fairly rendered obvious by any of the prior art of record, either when considered alone or when taken in combination. Therefore, Applicant respectfully submits that the new claims are patentable and requests allowance of same.

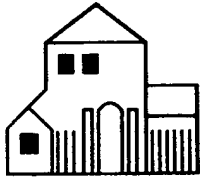
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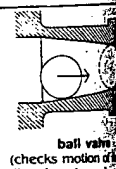
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ball-and-socket joint to Baltimore oriole

ball-and-sock-et joint', *n.* 1. Also called **enarthrosis**, an anatomical joint in which the rounded end of one bone fits into a cuplike end of the other bone, as at the hip or shoulder. 2. Also called **ball joint**, a similar mechanical joint used to connect rods, pipes, etc. [1660-70]
Bal-la-rat (bal'a rat', bal'a rat'), *n.* a city in S Victoria, in SE Australia. 79,000.
bal-last (bal'est), *n., v., -last-ed, -last-ing.* 1. a heavy material carried on a vessel to control draft and stability or a balloon to control altitude. 2. gravel or broken stone placed under the ties of a railroad. 3. a device that maintains the current in an electric circuit at a constant value and may also provide the starting voltage, as in a fluorescent lamp. —*v.t.* 4. to furnish with ballast. [1520-30; < MLG, perh. ult. < Scand; cf. early Dan and Sw *ballast* = *bar* BARE + *last* load] —**bal-last-er, n.**
ball/ bearing, *n.* 1. a bearing consisting of a number of hard balls running in grooves in the surfaces of two concentric rings, one of which is mounted on a rotating or oscillating shaft. 2. any of the balls so used.
ball/car-ri-er or **ball-car-rier**, *n.* Football, the offensive player having the ball and attempting to gain ground. [1930-35]
ball/ club, *n.* a permanent team of professional or amateur players of a ball game, esp. baseball. [1825-35]
ball/ cock, *n.* a device for regulating water in a tank, consisting of a valve connected to a floating ball that by its rise or fall shuts or opens the valve. [1780-90]
bal-le-ri-na (bal'a rē'na), *n., pl. -nas.* a female ballet dancer. [1785-95; < It. fem. of *ballerino* professional dancer, prob. = *balleria* dance (ballare) to dance (< LL; see BALL²) + *-eria* < OF; see -ERY) + *-ino* -INE²]
bal-let (ba lā', bal'ā), *n.* 1. a form of theatrical dance characterized by graceful, balanced movements with fully extended limbs, initiated from a restricted set of body positions. 2. a theatrical work incorporating ballet dancing, music, and scenery to tell a story or convey a thematic atmosphere. 3. a company of ballet dancers. 4. music for a ballet. [1660-70; < F, MF < It *ballo* = *ball(o)* BALL² + *-etto* -ET] —**bal-let-ic** (ba let'ik, bā-), *adj.* —**bal-let-i-cal-ly, adv.**
bal-let-o-mane (ba let'a mān', bā-), *n.* a ballet enthusiast. [1925-30; back formation from *balletomania*] —**bal-let-o-ma-ni-a, n.**
bal-let/ slip-per, *n.* a heelless cloth or leather slipper worn by a ballet dancer.
ball-flow-er (bōl'flou'ər), *n.* an architectural ornament suggesting a flower enclosing and partly concealing a ball. [1835-45]
ball/ game, *n.* 1. any game played with a ball, esp. baseball or softball. 2. a situation and all its attendant circumstances. [1840-50, Amer.]
bal-lis-ta (bā lis'ta), *n., pl. -tæ* (-tē), an ancient military engine for throwing stones or other missiles. [1590-1600; < L, prob. < Gk **ballistēs* = *ball(ein)* to throw + *-istēs* -IST]
bal-lis-tic (bā lis'tik), *adj.* 1. of or pertaining to ballistics. 2. having its motion determined or describable by the laws of exterior ballistics. —*Idiom.* 3. go ballistic, to become overwrought or irrational. [1765-75; BALLIST(A) + -IC] —**bal-lis-ti-cal-ly, adv.**
ballis/tic mis/sile, *n.* a missile that travels to its target unpowered and unguided after being launched. [1950-55]
bal-lis-tics (bā lis'tiks), *n.* (*usu. used with a sing. v.*) 1. the science or study of the motion of projectiles, as bullets, shells, or bombs. 2. the art or science of designing projectiles for maximum flight performance. [1745-55] —**bal-lis-ti-cian** (bal'a stish'ən), *n.*
bal-lis-to-car-di-o-gram (bā lis'tō kār'dē ə gram'), *n.* the graphic record produced by a ballistocardiograph. [1935-40]
bal-lis-to-car-di-o-graph (bā lis'tō kār'dē ə graf', -gräf'), *n.* a device that determines cardiac output by recording the movements of the body in response to heart contraction. [1935-40] —**bal-lis-to-car-di-og-ra-phy** (-og'rā fē), *n.*
ball/ joint, *n.* BALL-AND-SOCKET JOINT (def. 2).
bal-loon (ba lōn'), *n.* the physical lightness and strength that increases a dancer's elevation. [1820-30; < F: lit., BALLOON]
bal-lo-net (bal'a nāt'), *n.* an air or gasbag compartment in a balloon or airship used to control buoyancy and maintain shape. [1900-05; < F]
bal-loon (ba lōn'), *n., v., -looned, -looning, adj.* —*n.* 1. an inflatable rubber bag used as a toy or for decoration. 2. a fabric bag filled with heated air or a gas lighter than air, designed to rise and float, often with a gondola suspended under it for passengers or instruments. 3. (in cartoons) an outline enclosing words represented as issuing from the mouth of a speaker. —*v.i.* 4. to ride in a balloon. 5. to puff out like a balloon. 6. to increase at a rapid rate. —*v.t.* 7. to inflate or distend (something) like a balloon. —*adj.* 8. puffed out like a balloon: *balloon sleeves*. 9. (esp. of a loan or mortgage) having a payment at the end of the term that is much bigger than the previous ones. [1570-80; < MF *ballon* < Upper It *ballone* = *ball(a)* (< Langobardic; see BALL¹) + *-one* aug. suffix] —**bal-loon-like**, *adj.*
bal-loon-ist (bā lōn'ist), *n.* one who ascends in a balloon. [1775-85]
bal-loon/ tire, *n.* a broad tire filled with air at low pressure, used esp. in bicycles and early automobiles to cushion the shock of uneven surfaces. [1890-95]
bal-loon/ vine, *n.* a tropical climbing plant, *Cardiospermum halicacabum*, of the soapberry family, bearing large bladderlike pods. [1830-40]
bal-lot (bal'at), *n., v., -lot-ed, -lot-ing.* —*n.* 1. a sheet of paper or the like on which a voter marks his or her vote. 2. the method of secret voting by printed or written ballot or by voting machine. 3. a round of voting: *defeated on the third ballot*. 4. the list of candidates to be voted on. 5. the right to vote. 6. the whole number of votes cast or recorded. 7. a system or the practice of drawing lots: *chosen by ballot*. 8. a little ball used in voting. —*v.i.* 9. to vote by ballot. 10. to draw lots: *to ballot for places*. —*v.t.* 11. to canvass or solicit for votes. 12. to vote on or select by ballot. [1540-50; < MF *ballotte* < It *ballotta* (prob. < Venetian) = *ball(a)* BALL¹ + *-otta* dim. suffix] —**bal-lot-er, n.**
bal-lot box, *n.* 1. a receptacle for voters' ballots. 2. a system or instance of voting by ballot. [1670-80]
bal-lotte-ment (bā lot'ment), *n.* a medical diagnostic technique of palpating an organ or floating mass by pushing it forcefully and feeling it rebound. [1830-40; < F: a tossing = *ballotte(r)* to toss, shake (der. of *ballotte*, OF *balote* little ball < It; see BALL¹)

ball-park (bōl'pārk'), *n.* 1. a tract of land or a stadium for ball games, esp. baseball, are played. —*adj.* 2. being an approximation based on an educated guess: *a ballpark figure on expenses*. 3. in the ballpark, a. within reasonable limits. b. close to the expected amount. [1895-1900, Amer.]
ball/-peen ham-mer (bōl'pēn'), *n.* a hammer with a hemispherical head for beating metal. See *illus.* at HAMMER.
ball-point (bōl'point'), *n.* a pen in which the point is a fine ball that rotates against a supply of semisolid ink in a cartridge. [1945-50]
ball-point pen, [1945-50]
ball-room (bōl'rōm', -rōm'), *n.* a large room for dancing.
ball/room dance, *n.* any of a variety of dances performed by couples to the waltz and tango. [1890-95] —**ball/room dancing, n.**
balls-y (bōl'zē), *adj.* **balls-i-er, balls-i-est.** Slang (often vulgar) aggressive or courageous. [1955-60] —**balls-i-ness, n.**
ball/ valve, *n.* a plumbing valve that regulates the flow of a fluid by means of a ball that moves into or out of the valve opening. [1830-40]
bal-ly-hoo (n., v. bal'ē hōō; v. also bal'ē hōō), *n., pl. -hoos, v., -hoosed, -hoosing.* —*n.* 1. a clamorous and vigorous attempt to win customers or advance a cause; blatant advertising or publicity. 2. clamor or outcry. —*v.t.* 3. to promote with ballyhoo. [1900-05, Amer.; of uncert. orig.]
balm (bām), *n.* 1. any of various fragrant gum resins used in perfume or medicine, esp. from tropical trees of the genus *Commiphora*, esp. *Commiphora* bursera family. 2. a plant or tree yielding such a substance. 3. a ointment or fragrant ointment used for healing, soothing, or mitigating. 4. aromatic fragrance; sweet odor. 5. any of various aromatic plants, esp. those of the genus *Melissa*, having ointment leaves. 6. anything that heals, soothes, or mitigates pain: *the friendship*. [1175-1225; ME *balsme*, *ba(u)me* < AF, OF < L *balsam*] —**balm/i-ke**, *adj.*
bal-ma-caan (bal'mā kan', -kän'), *n.* a loose-fitting, somewhat single-breasted overcoat, often of tweed and with raglan sleeves. 20; after *Balmacaan* near Inverness, Scotland]
balm/of-Gil-head, *n.* 1. any of several plants of the genus *Phoradendron*, of the bursera family, esp. *C. opobalsamum* and *C. molle*, which yield a fragrant oleoresin. 2. the resin itself, a turbid, yellowish liquid used chiefly in perfumery. 3. a hybrid North American poplar, *Populus gileadensis*, cultivated as a shade tree. [1695-1705]
bal-mor-al (bal mōr'al, -mōr'al), *n.* 1. a woman's short hair with lace, worn in the 19th century. 2. (often cap.) a wide Scottish cap resembling the tam-o'-shanter. [1855-60; after Castle in Scotland]
balm-y (bā'mē), *adj.* **balm-i-er, balm-i-est.** 1. mild and soft; soothing: *balm-y weather*. 2. Informal. crazy; foolish: [1490-1500] —**balm-i-ly, adv.** —**balm-i-ness, n.**
bal-ne-o-log-ic (bal'nē ol'ə-jē), *n.* the study of the therapeutic baths and bathing. [1880-85] —**bal-ne-o-log-ic (-ol'jē), bal-ne-cal, adj.** —**bal-ne-o-log-ist, n.**
ba-lo-chi (bā lō'chē), *n., pl. -chis.* BALUCHI.
ba-lo-ney or **bo-lo-ney** (bā lō'nē), *n.* 1. Slang. foolishness. 2. SOLOGNA. —*Interj.* 3. Slang. nonsense. [1915-20, Amer.]
bal-sa (bōl'sā, bāl'), *n., pl. -sas.* 1. a tropical American tree, *Pyramis* (*lagotheca*), of the bombax family, yielding a light wood for rafts, toy airplanes, etc. 2. a life raft. [1770-80; < Sp. *balza*] —**bal-sa-m** (bōl'sam), *n.* 1. any of various fragrant resins from certain trees, esp. trees of the genus *Commiphora*, as *balsam* Compare *BALM* (def. 1). 2. OLEORESIN (def. 1). 3. any of various yielding a balsam, esp. the balsam fir. 4. any of several plants in the genus *Impatiens*, as *I. balsamina*, a common garden plant; any aromatic ointment for ceremonial or medicinal use. 6. *bal* [bef. 1000; ME *balsamum*, OE *balzaman* < L *balsamum* < Gk *balsamon* (cf. Heb *bāshām*)] —**bal-sa-ma-ceous** (bōl'sā mē-), **bal-sam-ic** (bōl'sam'ik), *adj.* —**bal-sam-y, adj.**
bal-sam fam-ily, *n.* a family, *Balsaminaceae*, of nonwoody, succulent stems and irregular solitary or clustered flowers: *the balsam, impatiens, and jewelweed*.
bal/sam fir, *n.* 1. a North American fir, *Abies balsamea*, with purplish cones and yielding Canada balsam. 2. the wood of [1795-1805, Amer.]
balsam/ic vine/egar, *n.* a sweetish, aromatic vinegar made of must of white grapes and aged in wood barrels. [trans. of *the samico*; so called from its supposed medicinal effects, likened to *samico*] —**bal-sam-i-fer-ous** (bōl'sā mī'fər-əs), *adj.* yielding balsam.
bal/sam pop-lar, *n.* a North American poplar, *Populus balsamifera*, having sticky resinous buds and shiny ovate leaves; *tacamahaca*.
Balt (bōlt), *n.* 1. a native or inhabitant of Estonia, Latvia, or Lithuania. 2. a speaker of a Baltic language.
Balt., Baltic.
Bal-tha-zar (bōl thaz'ər, bal-, bōl'tha zār', bāl'-), *n.* 1. the three Magi. 2. a wine bottle holding 13 quarts (12.3 liters).
Balt-ic (bōl'tik), *adj.* 1. of or pertaining to the Baltic Sea and around it, esp. the Baltic States. 2. of or pertaining to the Baltic and its speakers. —*n.* 3. a family of languages, a branch of the Indo-European family, that includes Lithuanian, Latvian, and Old Prussian.
Balt/ic Sea, *n.* a sea in N Europe, bounded by Denmark, Finland, Estonia, Latvia, Lithuania, Poland, and Germany. 43,000 sq. mi. (414,000 sq. km).
Balt/ic States, *n.pl.* Estonia, Latvia, Lithuania, and some land.
Bal-ti-more (bōl'ta mōr', -mōr'), *n.* 1. Lord, CALVERT; Sir George Calvert, an Englishman, on an estate near the Chesapeake Bay. 2. a North American oriole, *Icterus baltimore*, and its subspecies of the northern oriole, the



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